

House Study Bill 24

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing an advanced registered nurse practitioner to
2 certify an alleged intoxicated driver's death or other
3 incapacitated state for purposes of chemical testing and to
4 administer a chemical test of bodily fluids, without a
5 warrant, to a person suspected of driving while intoxicated.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1712YC 81
8 rh/gg/14

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1 1 Section 1. Section 321J.7, Code 2005, is amended to read
1 2 as follows:
1 3 321J.7 DEAD OR UNCONSCIOUS PERSONS.
1 4 A person who is dead, unconscious, or otherwise in a
1 5 condition rendering the person incapable of consent or refusal
1 6 is deemed not to have withdrawn the consent provided by
1 7 section 321J.6, and the test may be given if a licensed
1 8 physician or advanced registered nurse practitioner certifies
1 9 in advance of the test that the person is dead, unconscious,
1 10 or otherwise in a condition rendering that person incapable of
1 11 consent or refusal. If the certification is oral, a written
1 12 certification shall be completed by the physician or advanced
1 13 registered nurse practitioner within a reasonable time of the
1 14 test.
1 15 Sec. 2. Section 321J.11, unnumbered paragraph 1, Code
1 16 2005, is amended to read as follows:
1 17 Only a licensed physician, licensed physician assistant as
1 18 defined in section 148C.1, medical technologist, advanced
1 19 registered nurse practitioner, or registered nurse, acting at
1 20 the request of a peace officer, may withdraw a specimen of
1 21 blood for the purpose of determining the alcohol concentration
1 22 or the presence of a controlled substance or other drugs.
1 23 However, any peace officer, using devices and methods approved
1 24 by the commissioner of public safety, may take a specimen of a
1 25 person's breath or urine for the purpose of determining the
1 26 alcohol concentration, or may take a specimen of a person's
1 27 urine for the purpose of determining the presence of a
1 28 controlled substance or other drugs. Only new equipment kept
1 29 under strictly sanitary and sterile conditions shall be used
1 30 for drawing blood.

EXPLANATION

1 32 This bill allows an advanced registered nurse practitioner
1 33 to certify a person's death, unconscious state, or other
1 34 incapacitated condition, for purposes of chemical testing and
1 35 to administer a chemical test of bodily fluids, without a
2 1 warrant, to a person suspected of driving while intoxicated.

2 2 The bill provides that an advanced registered nurse
2 3 practitioner may certify that a person suspected of driving
2 4 while intoxicated is dead, unconscious, or otherwise in a
2 5 condition rendering that person incapable of consent or
2 6 refusal. The bill further provides that if the certification
2 7 is oral, a written certification shall be completed by the
2 8 advanced registered nurse practitioner within a reasonable
2 9 time of the test. Current law limits the certification under
2 10 these circumstances to a licensed physician.

2 11 The bill further provides that an advanced registered nurse
2 12 practitioner, acting at the request of a peace officer, may
2 13 withdraw a specimen of blood for the purpose of determining
2 14 the alcohol concentration or the presence of a controlled
2 15 substance or other drugs.

2 16 LSB 1712YC 81
2 17 rh:nh/gg/14